

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David Joseph Hodson,

Case No. 22-cv-2313 (JRT/LIB)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Federal Bureau of Prisons,

Defendant.

This matter comes before the undersigned United States Magistrate Judge pursuant to a general assignment made in accordance with the provision of 28 U.S.C. § 636, and upon the routine supervision of the matters that pend before the undersigned.

In a letter dated September 22, 2022, the Clerk of Court informed Plaintiff David Joseph Hodson that he was required to pay the filing fee for this action or apply for in forma pauperis status within fifteen (15) days. Plaintiff was forewarned that if he failed to do so this action could be summarily dismissed without prejudice. (See Letter [Docket No. 2]).

That deadline has now passed, and Plaintiff has not paid the filing fee for this action or applied for IFP status. In fact, Plaintiff has not communicated with the Court about this case at all since this action was commenced.

Accordingly, it is now recommended, in accordance with the prior warning communicated to Plaintiff, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. See Henderson v. Renaissance Grand Hotel, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this action be **DISMISSED without prejudice** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: October 21, 2022

s/Leo I. Brisbois
Hon. Leo I. Brisbois
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).